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H.1. Applicability. Permit or approval processes affected by the Road Standards include the following:

- H.1.A) *Subdivisions*
- H.1.B) *Lot line adjustment*
- H.1.C) *Certificate of compliance* (to correct subdivision violation)
- H.1.D) *Coastal Development Permit or Coastal Development Permit in conjunction with other permit*
- H.1.E) *Use permit*
- H.1.F) *Variance*
- H.1.G) *Building permit*
- H.1.H) *Grading permit*
- H.1.I) *Encroachment permit*
- H.1.J) *Any other land use entitlement where access on roadways may be regulated*

H.2. Compliance with Specified Road Standards . No permit or request for approval shall be issued or granted until the specified Road Standards have been met or will be met as a condition of such issuance or grant of approval, or unless the project is relieved of the requirement or an alternate method for meeting the requirement is approved through the exceptions process.

H.3. Exceptions. An applicant desiring to be relieved of a specific requirement or standard or proposing an alternate to the standard for a specific requirement shall submit a written "Request for Exception" with the application for a permit or grant of approval. Such request shall clearly set forth the grounds upon which the applicant finds that the relief or alternative is justified.

H.4. Exclusions. Based on the independent judgement of the Civil Engineer in responsible charge of the work or other responsible professional, minor variations in design or methods specified in the Road Standards, meeting the intent of the Road Standards, may be excluded from the exception process at the discretion of the DOT Director.

H.5. Action on Requests for Exceptions. Requests for exceptions shall be acted upon as an element of the permit or request for approval. The authority to approve, approve with conditions or deny requests for exceptions shall lie with the Approval Authority empowered to act upon the permit or request. The exception process shall not be used to circumvent or contradict previous approvals. If a request for exception is by level of detail appropriate to a previous approval, then it shall be referred for action by the authority making the original approval.

H.6. Findings for Approval of Requests for Exception. The approval of requests for exceptions shall be supported by the following findings:

H.6.A) *Relief.* For exceptions granting relief from a specified requirement or standard:

- 1) That the strict application of this chapter would create an unnecessary hardship due to special circumstances or conditions affecting said property;
- 2) That the exception is consistent with the intent of the requirements of this chapter and does not constitute a grant of special privilege;
- 3) That the exception would not result in significant increased adverse environmental impacts compared to the strict application of the requirements of this chapter; and
- 4) That the granting of the exception will not be detrimental to the public health, safety, convenience and general welfare or injurious to other property in the vicinity in which said property is situated.

H.6.B) *Alternate Approach.* For exceptions which permit the specified requirement to be met by alternates to the specified standard:

- 1) That the design, material, method or work proposed is, for the purpose intended, equivalent or superior to the standards prescribed by this chapter;
- 2) That the exception is consistent with the intent of the requirements of this chapter and does not constitute a grant of special privilege;
- 3) That the exception would not result in increased adverse environmental impacts compared to the strict application of the requirements of this chapter; and
- 4) That the granting of the exception will not be injurious or detrimental to the public health, safety, convenience and general welfare or injurious to other property in the vicinity in which said property is situated.

H.7. Appeals. An appeal to the decision on a request for exception shall be made in accordance with the process for an appeal on the permit or request for approval. Final appeal authority shall rest with the Board of Supervisors.